

Eric Edward Nord
Harlan B. Krogh
CRIST, KROGH, BUTLER & NORD, LLC
The Securities Building
2708 First Avenue North, Suite 300
Billings, MT 59101
Telephone: (406) 255-0400
Facsimile: (406) 255-0697
enord@crislaw.com
hkrogh@crislaw.com

Attorneys for Plaintiff/Counterclaim Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BILLINGS DIVISION**

JAWAD BOULOS,)	Case No.: CV-13-137-BLG-SEH
)	
Plaintiff/Counterclaim Defendant,)	
)	
vs.)	PLAINTIFF'S ANSWER TO
)	COUNTERCLAIM AND
MARK KUCERA,)	AFFIRMATIVE DEFENSES
KM KUCERA, INC., and KM)	
KUCERA INTERNATIONAL, INC.,)	
)	
Defendants/Counterclaim Plaintiffs.)	
_____)	

Plaintiff/Counterclaim Defendant, Jawad Boulos ("Boulos"), by and through his attorneys, the law firm of Crist, Krogh & Nord, LLC, hereby answers Defendants' Counterclaim as follows:

1. Boulos admits the allegations contained in Paragraph 1 of Defendants' Counterclaim.

2. Boulos denies the allegations contained in Paragraph 2 of Defendants' Counterclaim.

3. Boulos denies the allegations contained in Paragraph 3 of Defendants' Counterclaim.

AFFIRMATIVE DEFENSES

Boulos asserts the following affirmative defenses pursuant to Rule 8(c) of the Federal Rules of Civil Procedure, and reserves the right to assert other affirmative defenses if their existence is later established through discovery or investigation.

FIRST AFFIRMATIVE DEFENSE **(Estoppel)**

Defendants are estopped from seeking the relief prayed for in the Counterclaim.

SECOND AFFIRMATIVE DEFENSES **(Failure to Mitigate)**

Boulos believes, and on that basis alleges, that Defendants have failed to properly mitigate their alleged damages, if any.

THIRD AFFIRMATIVE DEFENSE
(Waiver)

Boulos believes, and on that basis alleges, that Defendants have waived all or a portion of any right to recovery.

FOURTH AFFIRMATIVE DEFENSE
(Unclean Hands)

Boulos believes, and on that basis alleges, that Defendants' Counterclaim is barred, in whole or in part, by the doctrine of unclean hands.

FIFTH AFFIRMATIVE DEFENSE
(Fraud)

Boulos believes and on that basis alleges that the claim alleged in the Counterclaim against Boulos is barred, in whole or in part, as a result of Defendants' fraud which is specifically set forth in Boulos' Complaint against Defendants.

SIXTH AFFIRMATIVE DEFENSE
(Equitable Estoppel)

Boulos believes and on that basis alleges that the claim alleged in the Counterclaim against Boulos is barred, in whole or in part, by reason of acts, omissions, representations and course of conduct by Defendants on which Boulos was lead to rely and relied to his detriment, thereby barring under the doctrine of equitable estoppel the claim for relief asserted by Defendants in the

Counterclaim.

SEVENTH AFFIRMATIVE DEFENSE
(Breach of Contract)

Defendants' Counterclaim is barred by Defendant's breach of the contract at issue.

DATED this 13th day of January, 2014.

CRIST, KROGH, BUTLER & NORD, LLC

By: /s/ Eric Edward Nord.

Eric Edward Nord
Harlan B. Krogh
2708 First Avenue North, Suite 300
Billings, MT 59101

Attorneys for Plaintiff/Counterclaim Defendant

CERTIFICATE OF SERVICE
L.R. 5.2(b)

I hereby certify that on the 13th day of January, 2014, a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM/ECF
_____ Hand Delivery
_____ Mail
_____ Overnight Delivery Service
_____ Fax
_____ E-Mail

1. Clerk, U.S. District Court
2. J. Reuss, Esq.
Guthals, Hunnes, & Reuss, PC
P.O. Box 1977
Billings, MT 59103
jruess@jruess.net

CRIST, KROGH, BUTLER & NORD, LLC

By: /s/ Eric Edward Nord
Eric Edward Nord

Attorneys for Plaintiff/Counterclaim Defendant